

REMARKS

In the Office Action dated March 15, 2005, the Examiner stated that the application contains claims directed to two species: a MEMS device with a capsule having a concave surface, with a substrate that has been thinned with a hole completely formed in the substrate after the step of thinning and a MEMS subdevice without a capsule having a concave surface, with a substrate that has been thinned and a hole completely formed in the substrate after the step of thinning.

Briefly, claims 1-15 are directed to a method for manufacturing a vacuum or hermetically packaged micromachined or MEMS device having at least one substantially vertical feedthrough. Claims 16-30 are directed to a method for manufacturing a vacuum or hermetically packaged micromachined or MEMS device including the step of positioning a capsule having a concave surface on the device substrate over the micromachined or MEMS device. Claims 31-40 are for a vacuum or hermetic packaged micromachined or MEMS device manufactured in accordance with the steps of claim 16. Therefore, there is no claim or set of claims pending claiming a MEMS device without a capsule having a concave surface with a substrate that has been thinned and a hole completely formed in the substrate after the step of thinning. Consequently, the requirement of the Examiner is traversed.

However, since a reply to this requirement to be complete must include the election of the invention to be examined, Applicants' Attorney hereby elects those claims of species A1. Claims 31-40 are readable on the elected species.

Consequently, in view of the above and in the absence of art other than the art already of record in this application, Applicants' Attorney respectfully submits the application is in condition for allowance which allowance is respectfully requested.

Respectfully submitted,

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